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CIVIL AND POLITICAL RIGHTS

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 January 1999]

GE.99-10686 (E)

Afghanistan

1. Human rights violations in Afghanistan have continued in 1998 on a massive scale. In August, the Taliban, who control most of the country, massacred thousands of civilians, belonging principally to the Shi'a Hazara minority. Afghans living in other Taliban-controlled areas continued to suffer under repressive policies that permit no freedom of association or freedom of expression. With few exceptions, women have not been permitted to work and girls have not been allowed to go to school. Women and men caught violating dress code requirements have been beaten. As a consequence of restrictions on their freedom of movement, women have sometimes been unable to seek medical care. Civilians in areas controlled by the opposition have also been subject to abuses, including extrajudicial killing, rape and arbitrary detention. Large numbers of civilians on both sides have been killed in aerial bombardments and rocket attacks. All parties have tortured and summarily executed prisoners.

Brazil

2. Police killings of civilians, either by excessive use of force or extrajudicial execution, remained a serious problem in Brazil in 1998, especially in the city of Rio de Janeiro. Violence by death squads, with active police participation, continued to claim lives in the states of Acre and Mato Grosso do Sul. Throughout 1998, the police continued to use torture as a routine method of investigation. Particularly notorious for their use of torture were police lock-ups in Belo Horizonte, Minas Gerais. In that city's Thefts and Robberies Precinct, detainees provided Human Rights Watch with detailed accounts of daily torture sessions with electric shocks and near-drownings in a special room adjacent to holding cells.

Egypt

3. The use of torture by police and security forces has reached staggering proportions. Egyptians continue to fall victim to abuse at the hands of State agents irrespective of gender, age, religious belief or political orientation. Torture is routinely employed to obtain information and coerce confessions in cases ranging from ordinary criminal matters to egregious acts of political violence. Despite numerous calls by Egyptian and international human rights defenders, and by the Committee against Torture, the Government has failed to take any meaningful steps to halt this widespread practice. Torturers, whether they work in local police stations or in State Security Investigation offices in large cities, enjoy impunity. The Special Rapporteur on torture should conduct a fact-finding visit to Egypt. The Commission should urge Egypt to implement promptly the May 1996 recommendations of the Committee against Torture.

Indonesia

4. The resignation of President Soeharto in May 1998 initially offered some hope that the human rights situation would change for the better and, indeed, dozens of long-term political prisoners were released and many controls on freedom of association and freedom of expression were lifted. But the Habibie

Government has not seriously pursued investigations into human rights abuses by senior army officers, including Soeharto's son-in-law, Prabowo, nor has it pursued investigations into allegations that many of the outbreaks of communal violence that have wracked the country since May 1998 have been provoked. The recommendations of a fact-finding mission into riots in Jakarta in May 1998 that left more than 1,200 dead have not been implemented. The Government continues to rely on the army rather than the police for arrest, detention and interrogation of suspects, particularly in Aceh, Irian Jaya and East Timor, even though this practice frequently results in human rights violations, including torture. The ratification by Indonesia of the Convention against Torture is welcome, but the Convention now needs to be systematically enforced.

Israel

5. Torture and ill-treatment of Palestinians during interrogation by the General Security Services (GSS) is widespread and systematic. Israeli courts consistently reject individual appeals to stop interrogation practices violating the Convention against Torture, and the Supreme Court has repeatedly delayed ruling on whether these practices violate Israeli law. The Knesset is considering legislation codifying GSS interrogation practices in law, effectively legalizing torture. "Administrative detainees" can be held indefinitely without charge, trial or effective judicial review. In November 1997, the Supreme Court ruled that individuals not themselves a threat to the State could be detained administratively as "bargaining chips", i.e., hostages, for future negotiations. As of 7 January 1999, Israel held almost 80 administrative detainees, some of whom had been held for more than five years. The Commission should call on Israel to end immediately the practice of torture, detention without effective judicial review, and detention as hostages; to amend its domestic law to be consistent with the Convention against Torture; and to make public GSS interrogation guidelines.

Mexico

6. On 22 December 1997, pro-government armed civilians massacred 45 people in Acteal, state of Chiapas, following a string of attacks between supporters of the Government and of the Zapatista Army of National Liberation (Ejército Zapatista de Liberación Nacional (EZLN)). During the massacre, state security police in Acteal did nothing to impede the bloodshed. Nonetheless, the federal Government subsequently assumed jurisdiction of the case, acting swiftly to investigate and detain the material authors.

7. In many other parts of the country, torture and illegal arrests continued to take place in incidents related to counterinsurgency, drugs and common crime. Institutional safeguards designed to protect detainees from torture or to prosecute those responsible for abuses routinely failed.

8. The Mexican armed forces continued to engage in abusive practices. After a soldier's weapon was stolen in Jalisco state, elite troops arbitrarily detained and tortured some 20 people on 14 and 15 December 1997, killing one person. Army troops also appear to have extrajudicially executed some of

the 11 people killed in a clash with guerrillas of the Popular Revolutionary Army of the Insurgent People (Ejército Popular Revolucionario del Pueblo Insurgente (ERPI)) in Guerrero state on 7 June 1998.

Nigeria

9. The Government of General Abdulsalami Abubakar has significantly improved respect for civil and political rights in Nigeria since he became head of State in June 1998. Most high-profile civilian political prisoners have been released, harassment of human rights and pro-democracy activists and journalists has greatly reduced, and respect for freedom of association, assembly and expression has increased. General Abubakar has instituted a new transition programme, which is due to result in the installation of an elected civilian government and the departure of the military from government at the end of May 1999. Nevertheless, there remain significant concerns, including the continued detention of individuals convicted before tribunals that did not respect due process standards, the failure to repeal decrees allowing detention without trial, and problems in the administration of the transition programme. Human Rights Watch is particularly concerned at the security crackdown in the Niger Delta region since the new year weekend, including reports that at least 125 and possibly many more Ijaw youths have been killed, some of them summarily executed, by soldiers deployed in Kaiama, Bayelsa state, and other communities in the Delta. In the light of these reports and the many other concerns in Nigeria related to respect for human rights and the rule of law, Human Rights Watch calls on the Commission to renew the mandate of the Special Rapporteur on the situation of human rights in Nigeria for another year.

Peru

10. The Government of President Alberto Fujimori continued to undermine the rule of law and the independence of the judiciary in 1998, as well as impeding the exercise of political rights. A series of presidential decrees permitted the use of military courts to try civilians accused of common crimes, and systematically restricted suspects' due process rights. Members of the National Police apparently tortured to death a common crime suspect, Willi Llerena Macedo, in Pucallpa, Ucayali department, in February 1998. Progressive limitations imposed by the executive branch on the National Magistrates Council (Consejo de la Magistratura Nacional (CNM)), an autonomous body established under the Constitution to appoint and dismiss judges and prosecutors, prompted its members to resign en masse in March.

11. Political opponents of the Government, and independent journalists continued to face persistent harassment, allegedly from the National Intelligence Service (Servicio de Inteligencia Nacional (SIN)).

United States

12. Human Rights Watch is concerned at the continued reports of sexual assault, custodial sexual misconduct and retaliation, including verbal harassment, threats, abusive pat frisks, as well as being falsely written up on rule violations resulting in extended periods of punitive segregation with

loss of privileges, used against women prisoners by guards in Michigan prisons. Despite the claim by the State of Michigan that it has a zero tolerance policy towards sexual abuse, the Governor denied the Special Rapporteur on violence against women access to the prisons in 1998 to investigate complaints. Furthermore, guards reportedly retaliated against women plaintiffs in a law suit alleging widespread sexual abuse and privacy violations. Human Rights Watch receives reports of sexual abuse by guards in jails and state and federal prisons throughout the United States and is concerned at the failure of the federal Government to monitor state compliance with human rights standards and to remedy violations at the state and federal level.